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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,129	12/03/2001	Alfred Eisenberg	CSM-0002	2157
7590	01/21/2005		EXAMINER	
WILFRED LAM INNOVATION MANAGEMENT SCIENCES P.O. BOX 1169 LOS ALTOS, CA 94043-1169			TIV, BACKHEAN	
			ART UNIT	PAPER NUMBER
			2151	

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/007,129	EISENBERG, ALFRED
Examiner	Art Unit	
Backhean Tiv	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 09 April 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-54 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-54 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

***Detailed Action***

Claims 1-54 are pending in this application.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-15, 17-25, 27-34, 36-42, 44-52, 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,747,970 issued to Lamb et al. (Lamb) in view of US Patent 6,532,218 issued to Shaffer et al. (Shaffer).

As per claim 1, 28, Lamb teaches a system comprising:

at least two client nodes adapted to communicate with each other via an instant messaging utility (Abstract, col. 53, lines 37-55);  
an instant messaging server for supporting instant messages between the two client nodes (Abstract, col. 53, lines 37-55); and initiating between participants a conference in response to an instant message transmitted between the at least two client nodes (col. 54, lines 9-40).

Lamb however, does not explicitly teach a second server for supporting video conferences between video conference participants.

Shaffer teaches a second server for supporting video conferences between video conference participants (Abstract).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention of modify the system of Lamb to include another server to support video conferencing between users as taught by Shaffer in order to conduct meetings between participants who are geographically separated(Shaffer, col.1, lines 10-12).

One of ordinary skill in the art at the time of the invention would have been motivated to combine Shaffer and Lamb to provide a system where one can communicate to others through video or text or both(Lamb, col.53, lines 37-55).

As per claim 2,10,20,29,37,47 wherein at least one of the video conference participants participates in the video conference via the public switched telephone network (PSTN)(Lamb, col.1, line 45).

As per claim 3,11,21,30,38,48 wherein at least one of the video conference participants participates in the video conference via cellular communication(Lamb, col., lines 24-26).

As per claim 4,12,22,31,39,49 wherein at least one of the video conference participants participates in the video conference via a computer(Lamb, Fig.1).

As per claim 5,13,23,32,40,50 wherein at least one of the video conference participants participates in the video conference via a network gateway(Lamb, Fig.1; a server can be considered a network gateway).

Motivation to combine set forth in claim 1.

As per claim 6,14,24,33,41,51 wherein at least one of the video conference participants participates in the video conference via a video

conferencing standard protocol(Lamb, col.3, lines 65-67).Motivation to combine set forth in claim 1.

As per claim 7,15,25,34,42,52 wherein at least one of the video conference participants participates in the video conference via an ISDN standard protocol(Lamb, col.3, lines 65-67).Motivation to combine set forth in claim 1.

As per claim 9,19,36,46 wherein the instant message contains information related to communication modes of the participants to be used by the participants to participate in the video conference(Lamb, col.53, line 36-col.54, line 40).

As per claim 17,44 further comprising a third server for processing information related to the participants in the video conference to initiate the video conference(Shaffer, Fig.1, col.3, lines 16-35).Motivation to combine set forth in claim 1.

As per claim 18,45 wherein the third server receives the information from the instant message(Shaffer, Fig.1, col.3, lines 16-35, Lamb, col.53, line 36-col.54, line 40).

As per claim 27,54 wherein the second server is a network video conferencing server which supports video conferences using a network video conferencing protocol nodes(Lamb, col.3, lines 65-67). Motivation to combine set forth in claim 1.

Claims 8,16,26,35,43,53 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,747,970 issued to Lamb et al.(Lamb) in view of

US Patent 6,532,218 issued to Shaffer et al.(Shaffer) in further view of Office Notice.

Lamb in view of Shaffer teaches all the limitations of claim 1 and 28, however does not explicitly teach as per claim 8,16,26,35,43,53 wherein at least one of the video conference participants participates in the video conference via an ATM standard protocol.

The Examiner is taking Office Notice as per claim 8, 16, 26, 35, 43, 53, as it is well known to one ordinary skilled in the art to use ATM standard protocol as a protocol in order to support video conferencing.

One ordinary skilled in the art would be motivated to include the use ATM standard protocol to transmit video to Lamb and Shaffer to increase the transmission rate of data transfer and to maximize the utilization of network resources.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571)272-3941. The examiner can normally be reached on 9 A.M.-12 P.M. and 1 -6 P.M. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax

phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BT

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1/11/05



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